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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,855	10/17/2000	Eberhard Moess	1333	5630

7590 01/09/2004

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EXAMINER

YAM, STEPHEN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,855

Applicant(s)

MOESS ET AL.

Examiner

Stephen Yam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2003 has been entered. Claims 1, 6, 7, and 10-12 are still pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. US Patent No. 5,912,774.

Yoshida et al. teach an optoelectronic receiver having an optic axis and comprising (see Fig. 5b) a device (1) for taking in optical signals having an optic axis (horizontal), an optical sensor (59) (See Fig. 4) for converting the optical signals into electronic signals when the optical signals fall on a sensitive surface of said optical sensor, a coupling element (lens to the right of (1)) (see Fig. 5B) for alignment of the optic axis of the device for taking in the optical signals on

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the sensitive surface of the optical sensor, a holder (2) for the device for taking in the optical signals, a retaining device (tabs holding the lens on the right) for the coupling element, and a joint adjusting means (4) for adjusting the holder for the device for taking in the optical signals and the retaining device for the coupling element, the coupling element having an optical axis (horizontal) which extends perpendicular to the optical sensor (see Fig. 4), the coupling element formed as an optical coupling element (lens) providing a plurality of optical beams focused to the optical sensor (since the optical sensor captures an image (see Col. 4, lines 40-41), every lens in the optical path of the optical sensor inherently focuses a beam associated with every imaging pixel on the optical sensor). Yoshida et al. do not teach the retaining device formed as a plate with parallel surfaces. It is design choice to form a retaining device as desired for attaching to a specific system profile, and that it is well known to secure a lens between two parallel, hollow, circular support plates to protect the lens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the retaining device as a plate with parallel surfaces in the optoelectronic receiver of Yoshida et al., to provide a resilient and secure support for the coupling element.

3. Claims 1, 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Toyama US Patent No. 4,614,974.

Regarding Claim 1, Yoshida et al. teach an optoelectronic receiver having an optic axis and comprising (see Fig. 5b) a device (1) for taking in optical signals having an optic axis (horizontal), an optical sensor (59) (See Fig. 4) for converting the optical signals into electronic signals when the optical signals fall on a sensitive surface of said optical sensor, a coupling

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element (lens to the right of (1)) (see Fig. 5B) for alignment of the optic axis of the device for taking in the optical signals on the sensitive surface of the optical sensor, a holder (2) for the device for taking in the optical signals, a retaining device (tabs holding the lens on the right) for the coupling element, and a joint adjusting means (4) for adjusting the holder for the device for taking in the optical signals and the retaining device for the coupling element, said adjusting means comprises (see Fig. 5B) an optical bench (3) with a predetermined upper surface (11) having means for aligning (see Fig. 5B) the coupling element and the device for taking in the optical signals, the retaining device provided with a flat guiding surface (base of the lens mount) that rests on the upper surface of the optical bench, said holder surrounding (see Fig. 5B) the retaining device (tabs holding the lens on the right), said holder having a flat guiding surface (see Fig. 5A) which contacts and rests on the upper surface (11) of the optical bench, and means (11a, 11b, 20) for attaching said holder and said retaining device in a fixed position relative to each other. Regarding Claims 6 and 7, Yoshida et al. teach (see Fig. 5A and 5B) the upper surface of the optical bench having a predetermined angular position relative to the optic axis (horizontal) of the optoelectronic receiver, where the angular position of the optic axis is perpendicular or at 90° relative to said upper surface. Yoshida et al. do not teach an adjustment procedure to align the optical signals on the sensitive surface of the optical sensor. Toyama teaches a camera comprising (see Fig. 1) a device (2) for taking in optical signals, a holder (3) for the device for taking in the optical signals, an optical sensor (10a), and an adjusting means (16) for adjusting the holder for the device for taking in the optical signals, and an adjustment procedure (see Col. 3, lines 25-53) to align the optical signals on the imaging surface of a camera, wherein the holder is in a fixed position after the adjustment procedure. Regarding Claim 11, Toyama teaches

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means (11, 25) for generating an optical test signal (see Col. 3, lines 25-27) for self-adjustment of the optoelectronic receiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an optical-signal-alignment adjustment procedure (for Claim 10) and further comprise means for generating an optical test signal for self-adjustment (for Claim 11) as taught by Toyama in the optoelectronic receiver of Yoshida et al., to provide precise focusing for images received by the optical sensor.

Response to Arguments

4. Applicant's arguments filed October 23, 2003 have been fully considered but they are not persuasive.

Applicant argues that the invention contains unique features such as alignment in three axes of translation and two axes of rotation, and an optical coupling element with which a plurality of optical beams with high parallelism and phase frequency are produced and focused to the optical sensor, with a very low connection gap less than 5 μm , with accuracy in the region of 100 μm . Examiner asserts that these features are not disclosed in the claim language, and therefore, cannot be drawn into the interpretation of the elements in the claims. Applicant also argues that combination of the two references is improper. Examiner asserts that both references contain inventions drawn to a video camera with an adjustable optical coupling element support, so using the particular characteristics of one video camera to improve the usage of another video camera would have been obvious to one of ordinary skill in the art.

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Conclusion

5. This is a continued examination of applicant's Application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703)308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

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